

Serial No. 10/687,582  
Docket No. C14-163313/YAH (NGB.039Cont)

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**JUN 25 2007**

**REMARKS**

Claims 1, 2, and 6-25 are all the claims presently pending in the application. Claims 2, 7-11, 17, 22 and 23 are allowed.

Claims 1 and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over JP 07-160203 to Satori et al., further in view of US Patent 6,259,423 to Tokito et al. Claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito, further in view of US Patent 6,339,696 to Chan et al. Claim 12 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito/Chan, further in view of US Patent 6,144,358 to Narayanaswamy et al. Claim 21 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito, further in view of US Patent 5,075,686 to Shigemura et al. Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito/Shigemura, further in view of Narayanaswamy. Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito, further in view of Narayanaswamy. Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito, further in view of US Patent 6,144,296 to Ishida et al. Claim 20 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Satori/Tokito/Ishida, further in view of Narayanaswamy.

These rejections are respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

As described, for example, by independent claim 1, the claimed invention is directed to a vehicle-mounted apparatus. A first panel includes a first display on a front surface thereof. A back surface of the first panel is substantially directly mountable onto a surface of the vehicle and affixed thereto in a manner such that the first display is viewable by a user. A second panel includes a second display and is openable and closeable with respect to the first

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panel about a side thereof as an axis.

Advantages of the present invention over prior art configurations include that of providing a display/control apparatus that minimizes space and reduces complexity for the control switching.

Moreover, relative to the device taught in primary reference Satoru, the present invention provides a simple mounting technique (e.g., substantially directly to the surface) that does not require costly and complex motor-driven linkages and mechanism.

Additionally, in an exemplary embodiment, the present invention provides a control panel on the back face of the second panel, thereby allowing more space on each panel to be devoted to the display function and even provides a display configuration in which a portion of the first panel can be left uncovered when the second panel is in the closed position, thereby allowing the exposed portion of the first panel to serve as a small display area even when the panels are fully closed relative to each other.

## II. THE PRIOR ART REJECTIONS

The Examiner continues to maintain the rejection based on primary reference Satoru. In paragraph 10 beginning on page 9 of the Office Action mailed on April 25, 2007, the Examiner responds to Applicants' argument that the rejection currently of record fails to meet the initial burden of a *prima facie* rejection because modification of Satoru to convert it into the claimed invention would clearly change the principle of operation and defeat its stated purpose (as described in MPEP §2143.01). The Examiner's response cites *In re Sneed* and *In re Nievelt*, both of which references essentially state that it is not necessary that the secondary reference can be actually incorporated into the primary reference.

Applicants respectfully submit that neither of these two references supercedes nor otherwise overturns the holdings of *In re Ratti* or *In re Gordon* as described in Applicants'

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previous response. Indeed, the Examiner merely ignores these two holdings.

Stated slightly differently, the Examiner considers that, relative to the prior art evaluation, elements of a claimed invention can be taken to be abstract ideas that are freely combinable even if the principle of operation and purpose of the primary reference would thereby be changed/defeated. Applicants respectfully submit that such combination based on simply using the claimed invention as a roadmap clearly violates the recent US Supreme Court holding in *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007): "*There must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*"

Applicants respectfully submit to the Examiner that the Examiner's reliance upon *In re Sneed* and *In re Nievelt* fails to provide any type of rational underpinning when the prior art combination of record clearly simply ignores the principle of operation and purpose of the primary reference.

Therefore, Applicants respectfully request that the Examiner place on record, prior to proceeding to Appeal, an explanation of how references that clearly would change the principle of operation and defeat the purpose of the primary reference can be considered as providing the basis for a "... rational underpinning to support the legal conclusion of obviousness", as required by the US Supreme Court.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 2, and 6-25, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance,

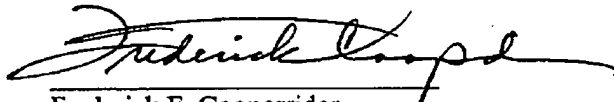
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the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

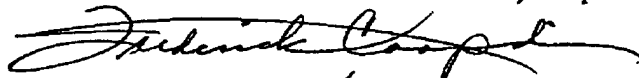
Respectfully Submitted,

Date: 6/25/07

  
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I certify that I transmitted to (571) 273-8300 this Request for Reconsideration Under 37 CFR §1.116 to Examiner Shiparo on June 25, 2007.

  
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